

REMARKS

The first paragraph of the specification has been amended to (i) include a section heading in accordance with 37 CFR § 1.77(b)(2) and (ii) include the patent number of the now-issued parent patent, of which the present application is a continuation. The priority claim has also been amended to correct a typographical error in referencing a related patent number (*i.e.*, patent number 6,169,005 has been corrected to read 6,169,085).

Claims 1, 12-17, 19, and 20 are pending in this application. Claims 1-11 and 18 have been canceled without prejudice or disclaimer. Claims 1 and 12-14 have been amended to delete the terms “prodrug” and “ester.” Claims 15-17, 19, and 20 have been amended to clarify that the claims embrace pharmaceutically acceptable salts of the recited compounds. Support for these amendments is found throughout the originally-filed specification. For example, see page 158, lines 1-32.

Accordingly, no new matter has been added.

Declaration under 37 C.F.R. § 1.67(a)

To comply with the requirements set forth in the Office Action, Applicants submit herewith a copy of the Joint Supplemental Declaration executed by co-inventor Gary A. DeCrescenzo in parent application U.S. Serial No. 08/913,069, filed December 17, 1997, now U.S. Patent No. 5,985,870.

The Rejection of Claim 18 under 35 U.S.C. § 112, ¶1

Claim 18 has been rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement. In the interest of advancing prosecution, Applicants have now canceled claim 18, rendering the rejection of this claim moot.

The Nonstatutory Double Patenting Rejection of Claims 1 and 12-20

Claims 1 and 12-20 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,380,188.

In the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) over the above-cited U.S. Patent Nos. 6,380,188, as well as related U.S. Patent Nos. 6,667,307; 6,169,085; 5,985,870; and 5,705,500.

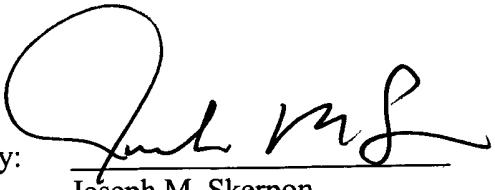
Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

In view of the above amendments and remarks, as well as the Joint Supplemental Declaration and Terminal Disclaimer under 37 C.F.R. § 1.321(c), filed herewith, all pending claims of this application are believed to be in condition for allowance. Acknowledgement of the same is respectfully requested.

This response is believed to completely address all of the substantive issues raised in the Office Action dated June 11, 2005.

Respectfully submitted,

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